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DECLARATION AND POWER OF ATTORNEY

As below named inventor, I hereby declare that:

1. My residence, post office address and citizenship are as stated below next to my name;
2. I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention, design or discovery entitled:

METHOD, APPARATUS AND SYSTEM
FOR IDENTITY AUTHENTICATION

3. I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;
4. I acknowledge the duty to disclose to the Office all information known to me to be material to the patentability of this application as defined by Title 37, Code of Federal Regulations, § 1.56;
5. I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

NONE

6. I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112. I acknowledge the duty to disclose to the Office all information known to us to be material to patentability as defined in § 1.56 which became available between the filing date of any prior application(s) and the national or PCT international filing date of this continuation-in-part application:

U.S. Pat. App. Ser. No. 09/680,248
filed October 5, 2000 which is currently pending and which

claims the benefit under 35 U.S.C. §119 (e) of any United States provisional application(s) listed below:

U.S. Pat. App. Ser. No. 60/157,749 filed October 5, 1999

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7. I hereby appoint:

Carol M. Nielsen, Reg. No. 37,676
Matthew E. Burr, Reg. No. 37,591
Daniel J. Chalker, Reg. No. 40,552
Michael L. Coblenz, Reg. No. 41,492
Kenneth T. Emanuelson, Reg. No. 46,684
Edwin S. Flores, Reg. No. 38,453
Kenneth R. Glaser, Reg. No. 24,015
John Timothy Headley, Reg. No. 31,765
Daniel P. Hejlik, Reg. No. 49,012
Todd E. Landis, Reg. No. 44,200
Michael E. Martin, Reg. No. 24,821
Kay Lyn Schwartz, Reg. No. 39,020
Theodore F. Shiells, Reg. No. 31,569
Jennifer S. Sickler, Reg. No. 36,005
Sanford E. Warren, Jr., Reg. No. 33,219
Lawrence R. Watson, Reg. No. 31,891
Thomas C. Wright, Reg. No. 47,189

of the firm of GARDERE WYNNE SEWELL LLP, as my attorneys/agents with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent application filed thereon before any international authorities under the Patent Cooperation Treaty;

Send correspondence to: Carol M. Nielsen
GARDERE WYNNE SEWELL LLP
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1601 Elm Street, Suite 3000
Dallas, Texas 75201
(713) 276-5383 phone
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8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful

false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of Inventor: Robert Vallee Gaines

Inventor's Signature:

Robert Vallee Gaines

Date:

04/23/02

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Citizenship:

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CERTIFICATE OF MAILING

I certify that this correspondence is being deposited with the U.S. Postal Service Express Mail delivery service under 37 C.F.R. 1.10 and is addressed to Assistant Commissioner for Patents, Washington, DC 20231.

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Signature

Mark Disisto
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5-3-02

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GP 2161

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
122342-1002

In Re Application Of: **Robert Valle Gaines**

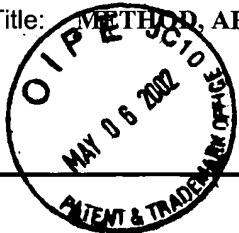
Serial No.
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Filing Date
12/21/2001

Examiner
Unknown

Group Art Unit
2161

Title: **METHOD, APPARATUS AND SYSTEM FOR IDENTITY AUTHENTICATION**



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TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

1. Corrected Declaration and Power of Attorney; and
2. Return Postcard

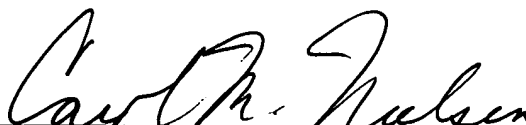
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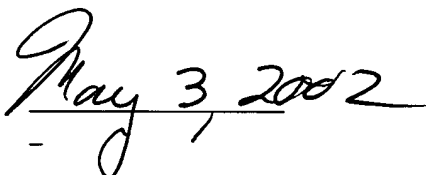
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in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☐ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. _____ as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____
- ☐ Credit any overpayment.
- ☐ Charge any additional fee required.


Signature

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Gardere Wynne Sewell LLP
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(713) 276-5383 phone
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Dated: 
May 3, 2002

I certify that this document and fee is being deposited on **5-3-02** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.


Signature of Person Mailing Correspondence

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